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Maximum Sentence

Tafoya Given Two Years in Shooting

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FORT COLLINS, Colo., Jan. 5—Former Green Beret Eugene Tafoya, convicted last month in the shooting of a Libyan student, today was given the maximum sentence of two years, despite pleas by Tafoya's attorney that the highly decorated veteran "has already suffered enough."

Larimer County District Judge J. Robert Miller ordered that Tafoya, who has been held since last March, be credited for time already served.

A jury convicted Tafoya Dec. 4 of misdemeanor assault and conspiracy in the October, 1980, shooting of Faisal Zagallai, a leading critic of the regime of Col. Muammar Qaddafi.

Tafoya was acquitted of attempted first-degree murder and conspiracy to kill Zagallai despite the prosecution's attempt to submit evidence linking Tafoya to former CIA agent Edwin P. Wilson, who federal investigators suspect hired Tafoya as part of a plot to assassinate Qaddafi's opponents living abroad. Tafoya acknowledged working for Wilson since 1979 as a courier for Wilson's

business operations in Europe and the Middle East, but he denied he was hired by Wilson to assassinate Zagallai.

Tafoya testified he was sent by the CIA to warn Zagallai to temper his political activities. The CIA has denied Tafoya ever worked for the agency.

"No one knows who he was working for," Miller said, "and it doesn't really matter." Miller rejected arguments by defense attorney Walter Gerash that Tafoya should be placed on probation.

"Gene Tafoya has no prior criminal record," Gerash said. "He was convicted only of two misdemeanors after having been held 226 days, including 200 days in solitary confinement, despite the presumption of innocence."

In arguing for the maximum sentence, Deputy District Attorney Larry Abrahamson noted Tafoya entered Zagallai's home "under a ruse. He used his extensive training in violence and weaponry and his advantage in size and strength to attack a smaller, unarmed man who's crippled on one side of his body by arthritis."

Tafoya posted a \$10,000 appeal bond and was released.